Supreme Court, U.S.
FILED

(2)

03 - 93 JUL 7 - 2003

No. ____

IN THE

Supreme Court of the United States

WILLIAM R. ADKINS,
Petitioner,

vs.

STATE OF WEST VIRGINIA,
Respondent.

Petition for a Writ of Certiorari to the West Virginia Supreme Court of Appeals

SUPPLEMENTAL APPENDIX

WILLIAM R. ADKINS
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APPENDIX

IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF WEST VIRGINIA

[Filed May 23, 2002]

Criminal Case No. 99-F-51
Judge Thomas C. Evans, III

STATE OF WEST VIRGINIA,

Plaintiff,

v.

WILLIAM R. ADKINS,

Defendant.

ORDER

On this the 20th day of May, 2002, came the State by Melissa M. Barr, Assistant Prosecuting Attorney in and for this County and State, and the Defendant, in person, and by counsel, William Richardson Jr., for final sentencing.

Whereupon, the Court received the diagnostic report from the Anthony Center, and it was order filed, noting no objection from the parties.

The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant and addressed the Defendant personally and asked him is he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment. The Court also heard from the State of West Virginia.

Thereafter, the Court then demanded of the Defendant if anything he had or knew to say why the court should not proceed to pronounce the sentence of the law against him,

and nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

For the offense of Sexual Abuse in the First Degree, a felony, the Defendant is committed to the custody of the Commissioner of the West Virginia Department of Corrections for imprisonment in thepenitentiary for an indeterminate period of not less than one (1) year not more than five (5) years therein to be safely kept and treated in all respects in accordance with the law. The Court also ordered the Defendant to pay a fine in the amount of Five Thousand Dollars ($5,000.00).

Whereupon, the Defendant's motion for home confinement was ordered overruled and denied for these reasons: 1) total refusal to accept any personal responsibility or to express any remorse for the victim; 2) Defendant is in need of correctional treatment and rehabilitation that can best be provided in a correctional facility; and 3) Defendant violated a position of trust vis a vis the victim.

It is further ORDERED that that Defendant shall pay the costs of this action.

It is ORDERED that the Defendant be given credit upon said sentence for all time previously spent by the Defendant in confinement in connection with this offense.

The Defendant was then informed of his obligations under the Sex Offense Registry law and acknowledged receipt of the same.

The Court ordered the Defendant to undergo HIV testing if such testing has not been completed at this time.

The Court then advised the Defendant of his right to appeal including his right to an attorney, and ORDERED that the Circuit Clerk furnish the Defendant with a written statement of his post-conviction rights.

Whereupon, the State moved that the Defendant be ordered to pay for the psychological treatment of the victim in this matter pursuant to WV Code § 61-8B-13.

The Court ordered the State to file its motion in writing and to serve counsel for the Defendant with a copy of said motion and notice of hearing.

The Clerk of this Court shall send attested copies of this Order to (1) Melissa M. Barr, Assistant Prosecuting Attorney; (2) William Richardson, Jr., counsel for the Defendant; (3) Jackson County Sheriff's Department; (4) William M. Slaven; and (5) WV Department of Corrections.

All of which is, accordingly, ORDERED.

ENTER: 5/23/02
/s/ Thomas C. Evans, III
THOMAS C. EVANS, III, Judge

PREPARED BY:

/s/ Melissa M. Barr
MELISSA M. BARR
Assistant Prosecuting Attorney
West Virginia State Bar #8027

COMMITMENT ORDER

IN THE CIRCUIT COURT OF JACKSON COUNTY
WEST VIRGINIA

[Filed May 24, 2002]

No. 99-F-51

STATE OF WEST VIRGINIA,

vs.

WILLIAM R. ADKINS.

FELONY INDICTMENT

On this 20th day of May, 2002, came the attorney for the State and the Defendant appearing in person and represented by William B. Richardson.

IT IS ADJUDGED that the defendant has been convicted upon plea of guilty of the offense as charged: *Sexual Abuse in the First Degree*, a felony as charged in the indictment.

And the Court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Commissioner of the West Virginia Department of Corrections or his authorized representative for imprisonment for a period of: *Defendant to serve not less than one (1) year not more than five (5) years in the penitentiary on the charge of Sexual Abuse in the First Degree. The Defendant is to pay all court costs and a fine in*

the amount of $5,000.00. The Defendant has credit of 260 house time served.

CONVICTION DATE: AUGUST 31, 2002

SENTENCE DATE: MAY 20, 2002

EFFECTIVE SENTENCE DATE: SEPTEMBER 3, 2001.

IT IS ADJUDGED that the clerk forthwith transmit this record, duly certified, of the judgment and commitment to the Commissioner of the West Virginia Department of Corrections and that this record serve as the Commitment of the defendant.

JACKSON COUNTY, WEST VIRGINIA
THOMAS C. EVANS, III
MELISSA M. BARR
KEITH BROTHERTON, CLERK

/s/ Thomas C. Evans, III
THOMAS C. EVANS
Judge

/s/ Melissa M. Barr
MELISSA M. BARR
Assistant Prosecuting Attorney

/s/ Keith Brotherton
KEITH BROTHERTON
Clerk

A TRUE COPY: Certified this the 24th day of May, 2002
Seal:

No. ___

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM R. ADKINS,

Petitioner,

vs.

STATE OF WEST VIRGINIA,

Respondent.

PROOF OF SERVICE

I, Christopher D. Dean, do swear or declare that on this date, July 7, 2003, as required by Supreme Court Rule 29 I have served the enclosed WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelop containing the above documents in the United State mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery with 3 calendar days.

The names and addressed of those served asr as follows:

Rebecca Stafford
Prosecuting Attorney, Jackson County
P.O. Box 811
Ripley, WV 25271

Hon. Darrell V. McGraw, Jr.
Office of Attorney General
State Capital Room 26E
Charleston, WV 25305-0220

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2002.

/s/ Christopher D. Dean
CHRISTOPHER D. DEAN
Counsel for Petitioner
444 Fifth Avenue
Huntington, WV
(304) 522-2187